

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**HISCOCK & BARCLAY, LLP, etc.,**

## Counter-Claimant,

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STEPHAN JENKINS, et al.,

## Counter-Defendants.

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ANTHONY FREDIANELLI,

Plaintiff,

V.

STEPHAN JENKINS, et al.,

## Defendants.

**Related Case  
Case No. C11-3232 EMC**

## **ORDER COMPELLING DISCOVERY RESPONSES AND RULE 26 INITIAL DISCLOSURE**

20 This Court presided over a case management conference in the *Anthony Fredianelli v.*  
21 *Stephan Jenkins, et al.* case on August 24, 2012. This conference followed a July 13, 2012 order of  
22 this Court which provided, among other things, that Plaintiff Anthony Fredianelli was required to  
23 serve responses to the request for production of documents, set one, served on him by Defendants  
24 Stephan Jenkins, et al., and to produce documents in response to that request, by August 3, 2012.

25 This Court finds that Plaintiff Anthony Fredianelli has not complied with the Order regarding  
26 response to request for documents, and the order to produce documents.

27 This Court also finds that Plaintiff Anthony Fredianelli has not served his FRCP Rule 26  
28 Initial Disclosures in a timely fashion.

1           The Court ordered at the hearing and hereby memorializes that order in the *Anthony*  
2 ***Fredianelli v. Stephan Jenkins et al. case*** as follows:

3           1. Plaintiff Anthony Fredianelli shall serve responses to Defendant Stephan Jenkins, et  
4           al.'s request for production of document, and to produce documents, by no later than  
5           August 31, 2012. If both responses, and production of documents, have not been  
6           made by this date, this Court will enter an evidentiary preclusion order, precluding  
7           Plaintiff Anthony Fredianelli from using in this case, for any purpose, including in  
8           connection with any motions and at trial, any documents which were responsive to the  
9           request for production of documents and which should have been produced in  
10           response to said request, but were not timely produced as ordered;

11           2. Plaintiff Anthony Fredianelli is to serve his Rule 26 Initial Disclosures by no later than  
12           August 31, 2012. If said Initial Disclosures are not served by this date, this Court shall  
13           enter an evidentiary preclusion order, precluding Plaintiff Anthony Fredianelli from  
14           using in this case, for any purpose, including in connection with any motions and at  
15           trial, the testimony of any witnesses whose identities should have been provided in  
16           compliance with FRCP 26 (a)(1)(A)(i) as ordered herein;

17           3. The close of non-expert discovery is extended to all parties in the *Anthony Fredianelli*  
18           *v. Stephan Jenkins et al.* case to November 30, 2012. All other pre-trial dates set by  
19           the Court, including the trial date, remain unchanged.

20           4. Consistent with this Court's Order Re: Plaintiff's Motion For Leave to Amend  
21           Complaint, dated August 14, 2012, this Court grants Plaintiff's Motion for Leave to  
22           Amend Complaint, and orders that Plaintiff's First Amended Complaint is the  
23           operative complaint in the *Anthony Fredianelli v. Stephan Jenkins, et al.* action, and  
24           that said First Amended Complaint is deemed filed as of the date of this Order.

25           IT IS SO ORDERED.

26           Dated: September 6, 2012



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Edward M. Chen  
United States District Judge